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14 **FOR THE DISTRICT OF NEVADA**
15 **IN THE UNITED STATES DISTRICT COURT**

17 WILLIAM JOSEPH GIAMBRA,
18 Plaintiff,

19 v.

20 C. R. BARD, INCORPORATED and BARD
21 PERIPHERAL VASCULAR,
22 INCORPORATED,

23 Defendants.

CASE NO.: 2:19-cv-01580-APG-BNW
**STIPULATION AND [PROPOSED]
ORDER TO STAY
DISCOVERY AND PRETRIAL
DEADLINES**

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25 Plaintiffs William Joseph Giambra and William Joseph Giambra, Jr. ("Plaintiffs") and
26 Defendants C. R. Bard, Inc. and Bard Peripheral Vascular, Inc. ("Defendants" and collectively with
27 Plaintiff, the "Parties"), pursuant to Fed. R. Civ. P. 26(c) and (d) and LR IA 6-2, respectfully request
28 that this Court temporarily stay discovery and pretrial deadlines until the Court rules on the

1 Defendants' pending motion to dismiss filed on July 8, 2020. [Dkt. 50.] Plaintiffs filed their response
 2 on August 6, 2020 [Dkt. 55] and Defendants replied on August 13, 2020 [Dkt. 56]. In further support
 3 thereof, the Parties state as follows:

4 1. A district court has broad discretion over pretrial discovery rulings. *Crawford-El v.*
 5 *Britton*, 523 U.S. 574, 598 (1998); *accord, Republic of Ecuador v. Hincbee*, 741 F.3d 1185, 1188-89
 6 (11th Cir. 2013); *Thermal Design, Inc. v. Am. Soc'y of Heating, Refrigerating & Air-Conditioning*
 7 *Engineers, Inc.*, 755 F.3d 832, 837 (7th Cir. 2014); *see also, Cook v. Kartridg Pak Co.*, 840 F.2d 602,
 8 604 (8th Cir. 1988) ("A district court must be free to use and control pretrial procedure in furtherance
 9 of the orderly administration of justice.").

10 2. Under Federal Rules of Civil Procedure 26(c) and 26(d), a court may limit the scope of
 11 discovery or control its sequence. *Britton*, 523 U.S. at 598. *See also, Wichita Falls Office Assocs. v.*
 12 *Banc One Corp.*, 978 F.2d 915, 918 (5th Cir. 1993) (finding that a "trial judge's decision to curtail
 13 discovery is granted great deference.").

14 3. In order to conserve both the Court's and the Parties' resources, the Parties request the Court
 15 stay discovery and all pretrial deadlines until the Court rules on the Defendants' pending motion to
 16 dismiss.

17 4. The Parties agree that the relief sought herein is necessary to handle the case in the most
 18 economical fashion yet allow sufficient time to schedule and complete discovery if necessary,
 19 consistent with the scheduling obligations of counsel. The relief sought in this Motion is not being
 20 requested for delay, but so that justice may be done.

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For the foregoing reasons, the Parties request the Court grant a stay of discovery and pretrial deadlines until the Court rules on Defendants' motion to dismiss.

IT IS SO STIPULATED.

Respectfully submitted this 9th day of December 2020.

WETHERALL GROUP, LTD.

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ORDER

The parties' stipulation is GRANTED. IT IS FURTHER ORDERED the parties must file a proposed discovery plan and scheduling order within 14 days after the district judge's ruling on motion to dismiss, unless the case is dismissed with prejudice or dismissed without prejudice and the plaintiff does not intend to file an amended complaint.

IT IS SO ORDERED

DATED: 2:58 pm, December 11, 2020



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**